## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF INDIANA

WESLEY W. HANSON,		)
V.	Petitioner,	) ) 2:10-cv-196-JMS-DML
HELEN MERBERRY,	Respondent.	) ) )

## ENTRY

The petitioner's request for the issuance of a certificate of appealability follows the denial of his petition for writ of habeas corpus. That petition was brought pursuant to 28 U.S.C. § 2241, meaning that the petitioner need not obtain a certificate of appealability to appeal the denial of his habeas petition. *Walker v. O'Brien,* 216 F.3d 626, 638 (7th Cir. 2000). The petitioner's request for the issuance of a certificate of appealability [11] is therefore **denied as unnecessary.** 

The petitioner also seeks leave to proceed on appeal *in forma pauperis*. That request [11] is **denied** because an appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith, 28 U.S.C. § 1915; *Coppedge v. United States*, 369 U.S. 438 (1962), because "to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit," *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000), and because there is no objectively reasonable argument which the petitioner could present to argue that the disposition of this action was erroneous. The petitioner, therefore, is pursuing an appeal in bad faith.

IT IS SO ORDERED.

Date: 05/10/2011

Distribution:

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Wesley W. Hanson No. 05180-090 Terre Haute - FCI Inmate Mail/Parcels P.O. Box 33 Terre Haute, IN 47808 Hon. Jane Magnus-Stinson, Judge United States District Court

Southern District of Indiana